

IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

Curtis J Neeley Jr., MFA

v

CASE NO. 12-5208

Federal Communications Commission,
Microsoft Corporation,
Google Inc.

Plaintiff
DISTRICT COURT
WESTERN DIST ARKANSAS
FILED

JAN 09 2013

CHRIS R. JOHNSON, Clerk
By

Defendants Deputy Clerk

SUPPLEMENTAL OPPOSITION TO DOCKET #14 “MOTION TO DISMISS...” BY Microsoft Corporation.

1. The Amended Complaint should not fail but perhaps could be better written. Plaintiff assumed there would be an obvious recognition of reckless disregard for the truth and relied on three other “*flavors*” of common law privacy supported in Arkansas.
2. Plaintiff feels his own past creations of naked female images should not be publicly available to minors. This feeling is shared by Congress and most citizens in the United States. See 47 USC §231. Plaintiff once published naked images at <redbubble.com> and and <deviantart.com> for sale with identity filtration implemented to comply with the intentions of 47 USC §231.
3. These indecent naked images have since been withdrawn from two third-party computers where they were offered for sale due to violations of Plaintiff's private choice to proscribe the anonymous after this violation of private choice was seen done by Defendant Google Inc.
4. Defendant Microsoft Corporation uses different removed publications from 2002 to associate obscene and indecent naked images with the text “curtis neeley”. This wrong continues **TODAY** after advised this was offensive over and over as can now be seen in obscene exhibits. Defendant Microsoft Corporation refuses to update the “*cache*” as if this “*cache*” were somehow sacrosanct and continues **TODAY** to show obscene and indecent images to minors or the anonymous after advised these text-image associations are wrong. Defendant Google Inc ceased most improper and **ALL** obscene text-image associations after notified as seen in the obscene exhibits.

5. The right to control original speech was made fundamental by the First Amendment and violations of this fundamental right per 17 USC §107 re-sampling of “*WEB-speech*” uninvited are how ridiculous profit is created via unfair “*fair-use*” and re-selling original creations of others.

6. The term “*INTER + NET*” is not suitable for usage in any legal filings as a singular noun. **They** realized this after reading the response in docket #35 III ¶3. This slang usage is worse than the indirect pronoun used in the prior sentence meaning every lawyer on Earth who reads this litigation along with Defendant Google Inc and Microsoft Corporation lawyers as well as this District Court.

7. Plaintiff once placed naked figure images as “*art*” in 2002 at <Michelle7.com> and in 2008 at <wikipedia.org>. These publications were connected to unregulated common carrier wires. The naked female figure images remain today at <wikipedia.org>. These uses were modified to prevent violations of Plaintiff's right to unabridged “*Free Speech*”. Microsoft Corporation now **exclusively** associates obscene images **TODAY** and claims justification for this due to the 2002 publication since this was altered to respect 47 USC §231.

8. Plaintiff has unequalled knowledge regarding the development of “*COPY*” + “*RIGHT*” and how this inappropriate use of language occurred in the United States. This research is far beyond any yet done. Plaintiff will provide a scholarly thesis providing details from four centuries of written history with footnotes if the District Court requests and can complete this shortly after the thirty day extension now requested by the Federal Communications Commission. This thesis is warranted because this litigation will begin United States' recognition that unabridged “*Free Speech*” protected by the First Amendment requires exclusive author's control of original speech republication whether done uninvited or done while disparaging by the rule of law.

9. Docket 46 revealed not considering this new complaint in the least. It is hard for the Plaintiff to understand how Microsoft Corporation counselor justified nearly copying docket #43 while citing law that could not possibly have been reviewed at all.

10. Cited but obviously not read *Mangan v. Weinberger*, 848 F.2d 909, 911 (8th Cir. 1988) paragraph 9 follows and Plaintiff now cites this as clearly supporting the Amended Complaint:

A complaint which fails to comply with Rule 8 may be dismissed with prejudice pursuant to Fed.R.Civ.P. 41(b) after allowing time to file an amended complaint. See *Michaelis v. Nebraska State Bar Ass'n*, 717 F.2d 437, 438-39 (8th Cir.1983) (per curiam) (*Michaelis*); *Nevijel v. North Coast Life Insurance Co.*, 651 F.2d 671, 673-74 (9th Cir.1981) (*Nevijel*). "Dismissal is, however, a drastic sanction which should be sparingly exercised and is reviewable for abuse of discretion." *Welsh v. Automatic Poultry Feeder Co.*, 439 F.2d 95, 96 (8th Cir.1971).

11. Dismissing a complaint is drastic and Fed R. Civ P. 8(e) states, "Pleadings must be construed so as to do justice", and this in no way supports anything nearly as drastic as dismissing a complaint.

12. Violations of Fed R. Civ P. 8 like cited were for a verbose 364 paragraph complaint amended after admonished for violating Rule 8. The second complaint remained verbose with 375 paragraphs with 99 defendants in official and personal capacities Definition of construe follows¹.

1. to give the meaning or intention of; explain; interpret.
2. to deduce by inference or interpretation; infer: He construed her intentions from her gestures.

13 The Amended Complaint was 17 double-spaced pages with 3 defendants and was an honorable attempt to correct all defects advised of in *Neeley v NameMedia Inc, et al*, (5:12-cv-5074). Docket #46 misuse of Rule 8 and case law cited is nothing less than offensive.

14. The Plaintiff truly believes the Amended Complaint is an honorable attempt to use United States Courts to correct an obvious wrong and was amended only due to printing out and filing the wrong version of the highly revised complaint after examined by numerous law professors as well as numerous law firms. The inputs from these parties remain and will be protected as confidential sources but will be confirmed if desired by each contributor for posterity.

15. The Plaintiff's human right to free speech was abridged by Google Inc and remains abridged **TODAY** by Microsoft Corporation continuing to associate obscene images with the Plaintiff's name due to past speech the plaintiff now regrets having made and AFTER Plaintiff has advised Microsoft Corporation vociferously of this.

¹construe. (n.d.). *Collins English Dictionary - Complete & Unabridged 10th Edition*. Retrieved January 08, 2013, from Dictionary.com

16. The Plaintiff human right to exclusively control original speech is not yet protected by United States laws and the United States is not therefore Berne Compact compliant. Plaintiff faces continued segregation² by Microsoft Corporation remaining long after Google Inc corrected violations of the private choices of the Plaintiff that were each allowed by the malfeasance of the Federal **Communications** Commission (FCC) not protecting the safety of the Plaintiff in interstate and world-wide radio **communications** or wire **communications**.

17. Ending segregation of schools based on race motivated the statute now cited in the complaint because each Corporate Defendant segregated the Plaintiff's personal name in school computer image searches much like "*Harry Potter*" books were once segregated by being placed on "*special*" separate shelves and segmented from other library books.

18. The Plaintiff is attempting to use United States Courts to correct wrongs where original speech and original art are or were both republished uninvited in disparaging ways. The Plaintiff trusts the District Court to construe the claim now plead to preserve justice and admonish the Plaintiff to further amend the complaint versus dismissing the complaint. This complaint should result in the end of utterly anonymous persons "*downloading*" naked images or "*downloading*" pornography without asserting being an adult in some verifiable way that now exists as is plead.

19. Both Motions to Dismiss by Corporate Defendants, Dkts. #14, #16), should be denied and a Partial Summary Justice Motion will follow these denials and the Initial Scheduling Order.

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Respectfully Submitted,


Curtis J. Neeley Jr. *WFA*

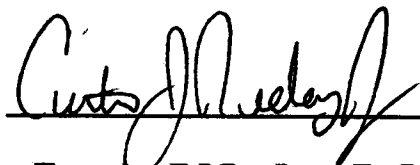
² to separate or set apart from others or from the main body or group; isolate: to segregate exceptional children; to segregate hardened criminals.
segregate. (n.d.). *Collins English Dictionary - Complete & Unabridged 10th Edition*. Retrieved January 09, 2013, from Dictionary.com website: dictionary.reference.com/browse/segregate

CERTIFICATE OF SERVICE

I, Curtis J. Neeley Jr., MFA, do hereby certify that I filed the forgoing personally. The District Clerk will scan this and make it accessible via CM/ECF. Furthermore; every docket entry of Neeley Jr v FCC et al, (5:12-cv-5208) will be accessible by wire communications perpetually including a free mirror of the District Court Docket with freely provided electronic copies of every filing. The docket will be updated within 24-hours after any paper is filed by Neeley and can be accessed from the following UnRegulated Locations. (URLs)

1. CurtisNeeley.com/FCC/Neeley-Jr_v_FCC-et-al.htm
2. CurtisNeeley.com/FCC/New_GOOG_exhibits
3. CurtisNeeley.com/FCC/New_MSFT_exhibits

URL #1 is the mirror of the Docket. URL #2 is the password protected directory with access to all exhibit files prepared that are not accessible at URL #3. The username for logging in is "adult" and the password is "YeS" and proper case is required. These PDFs are often indecent or obscene and all access is logged.


Curtis J Neeley Jr MFA